

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Rinze BENEDICTUS et al.

Application No.: 10/821,184

Group Art Unit: 1793

Filed: April 9, 2004

Examiner: Janelle Combs-Morillo

TITLE: AN Al-Zn-Mg-Cu ALLOY WITH IMPROVED DAMAGE
TOLERANCE-STRENGTH COMBINATION PROPERTIES

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Alfred Ludwig Heinz, declare and state as follows:

1. My educational background includes a university degree in Metal Physics from the University of Cologne, Germany, and a PhD degree in Materials Science from the University of Aachen, Germany.

2. I am currently employed by Aleris Aluminum Koblenz GmbH the assignee of the present application and have the job title of Vice-President Supply Chain Europe. I have been employed by Aleris Aluminum Koblenz GmbH and its predecessors Corus Aluminium Walzprodukte GmbH and Hoogovens Aluminium Walzprodukte GmbH for 17 years.

3. I am an inventor or co-inventor on at least 6 U.S. patents and I am the author or co-author of over 30 technical publications relating to this technology.

4. I am a co-inventor of the invention claimed in the above identified application.

5. I am familiar with the current claims of the above-identified application as presented by an Amendment of September 9, 2008. I am also familiar with the

present application and an Amendment After Final of May 20, 2008 for the present application.

6. As explained at pages 14-17 of the Amendment After Final of May 20, 2008, the comparison in the present application of Alloy A with Alloy B as well as the comparison of Alloy E with Alloy F shows the unexpected results of adding Mn together with the presently recited Mg level.

7. The unexpected results exhibited by alloy of the invention example Alloys F (Table 14 of the instant specification) and B (Table 9 of the instant specification) would be expected to occur over the entire currently claimed alloying range of Claim 1.

8. I further declare that all statements and representations made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and representations were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued there from.

Respectfully submitted,

Date: March 13, 2009

By:


Alfred Ludwig Heinz

APV/bms
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